

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

YOUNG ADVOCATES FOR FAIR)
EDUCATION,)
)
Plaintiff,)
)
v.)
)
)
ANDREW CUOMO,)
in his official capacity as Governor of the State)
of New York,)
BETTY ROSA, in her official capacity as)
Chancellor of the Board of Regents of the State)
of New York,)
MARYELLEN ELIA, in her official capacity as)
Commissioner of the New York State Education)
Department,

Case No. 18 CV 4167

Defendants.

DECLARATION OF PESACH EISEN

1. My name is Pesach Eisen. I am over 18 years of age, am of sound mind, and am competent to testify. I submit this declaration in support of YAFFED's motion for preliminary injunctive relief in the above-captioned action.

2. The facts set forth in this declaration are based upon my personal knowledge.

A. My Background and Education

3. I was born in Borough Park, in Brooklyn, NY, into an ultra-Orthodox Jewish family, part of the Hasidic sect "Bobov." I am one of 6 children. I attended yeshivas from about the fall of 1987 through maybe the spring of 2003.

4. I attended the Bobover Yeshiva Bnei Zion, located in Borough Park, Brooklyn, NY, at 4206 15th Avenue, from about two and a half years old until the end of third grade. From the fourth grade through ninth grade, I attended the Bobover Yeshiva Bnei Zion at 1533 48th

Street, also in Borough Park, Brooklyn, NY. Between ninth grade and high school, I went to a school called Kerem Shlomo, for about two years, which is meant to be a bridge to a second school, also located in Borough Park, Brooklyn, NY, at 1149 38th Street. I attended a yeshiva boarding school in Israel for my high school education, called Kedushat Zion. That lasted about three years, until I was about seventeen and a half. At this point, I started drifting away from the ultra-Orthodox community.

5. In my elementary school yeshivas, I remember that our education focused on religion. We learnt the Hebrew and Yiddish languages, and did our weekly readings in the Torah. As we got older, the religious studies got more advanced, and we learned the same subjects at a deeper level of detail. We started looking at Talmudic texts, and spiritual books. The hours also expanded as we got older.

6. By contrast, our secular education was very limited. I remember we spent about 60-90 minutes on secular classes, at the end of the day. We learnt our ABCs and how to write in cursive, but never learned anything about how an essay worked, or anything more advanced. The English that we were taught probably ended at about the 4th or 5th grade level. I was lucky that my sect speaks a form of Yiddish which is closer to English than that spoken in many sects (Yinglish), which made it a lot easier for me to learn English outside of the yeshivas, since I spoke Yiddish at home. For math, we learned addition, subtraction, multiplication, and division, but nothing else that I remember. I remember that we learned history, but I'm not sure what it was—whether it was American history or New York history. I also don't remember really learning anything about history, although I do remember getting the equivalent of an F in history. At Kerem Shlomo and high school in Israel, we did not receive any secular education at all.

7. It was very clear that secular education was not a priority. We were in school to become rabbis, or learn about the religious texts, not to learn English or math. The 60-90 minutes we spent on secular studies were an afterthought, at best. Almost none of the parents, students, or teachers took it seriously. We had already been in school for hours by then, and students were exhausted and full of energy. We found it difficult to focus. Students who acted out or paid no attention were not disciplined—the administration made clear that these secular studies were not important, and had little interest in teaching it to any degree. When we had a teacher from outside of the community who tried to take these studies seriously, we would torture them, and play every prank we could think of. None of the other teachers, or our parents, did anything about it. When I got F's in history, my parents did not care, and neither did anyone else. The time was largely treated as free time. We did not have any secular learning on Fridays, because school was let out early to prepare for the Sabbath.

8. It was less that secular studies, or opportunities outside the community, were discouraged, than that we did not even know to think about whether they were an option. Of course, when some of us expressed interests in things that did not fit in the Orthodox traditions, then they were discouraged. I had an interest in the arts, in drawing or music, and asked to get lessons. But that was all discouraged. It didn't even occur to me to focus on them though—it was a given that no one was going to go to the library in their free time, or attend college. Nobody worried about whether we would be able to support ourselves—the system is built on social benefits, and people would be criticized if they wanted to get a real job that would cause them to lose those benefits. People suggested we get jobs under false names, to get the income and the benefits.

9. I was sent back from high school in Israel because I started acting out, and rebelling. I could tell that I felt unfulfilled, but wasn't sure how. Looking back on it, I was emotionally and intellectually unfulfilled. I would leave the premises early, or make trouble. I was basically expelled for being different. I now believe that I had some unaddressed mental health issues at the time, like depression and anxiety. When I tried to get help, I was just told that I wasn't pious enough.

10. When I came back from Israel, I did not have any real skills or education. I spent the years from about 19 until 23 working at various warehouses in the Orthodox community, preparing orders for shipping, and that sort of thing. Most of these jobs only lasted a few months, because I felt unsatisfied and knew something was missing, but didn't know what. I did not know how to put together a budget, or handle money, or even get a credit card. I wanted to work, but I did not know what a resume was or how to create one. Even if I had, without any skills, I do not know why anyone would have hired me. If I had gotten a job, I would have had no idea why I was paying taxes, or how much, or what they were going towards. If I had wanted to go to college, I had no diploma, and no idea how to get one—and I had no money to pay tuition, or any idea how to get financial aid. I ended up with some substance abuse issues as well.

11. When I was about 23, I read a memoir of someone who had left the Orthodox community. The man said that with help from organizations outside the ultra-Orthodox community, he had gotten his GED. This was the first time I even considered the possibility. I was still part of the Orthodox community then, although I was drifting away, and was considered kind of a rebel.

12. Starting in 2011, I began to study for the GED. I finally got the GED in November 2011—took it at CUNY Kingsborough Community College. Afterwards, I applied to Kingsborough, and started attending in February 2012. I had to take an entrance exam, and completely failed math, which required me to take remedial math for a semester. It took me two years to get my Associate's Degree, and I graduated in January 2014. While there, I had to work ten times as hard as the people who had not attended yeshivas, and it was exhausting. I had to take a semester after my Associate's degree and before continuing my education, because I was burnt out. Like all the other yeshiva graduates who I speak to in these programs, I've often had to work much harder in order to get by. 99% of us had to take a remedial semester in something, as well as working harder and giving up on social pursuits, in order to keep up.

13. I applied to Brooklyn College for Fall 2014, and eventually graduated with a Bachelor's of Science in Psychology in 2016. I had a 4.0 GPA, because of my hard work. I again took some time off, and at the end of this month I will start a Master's program at Brooklyn College, getting a degree in mental health counseling.

14. While I've been in school, I've kept working at warehouses to make money. Right now, I drive for a grocery delivery service.

15. Because I've left the community, and no longer really believe in the religion on an intellectual level, I do not interact much with those who are still ultra-Orthodox. My parents and I are still friendly, although they are disappointed with my choices. I have no real relationship of substance with most of my siblings.

16. Politics are not my strong suit, but from what I've heard, it sounds like Senator Felder held the budget hostage in order for the Hasidim to get away with this. I think it's a shame that Senator Felder, who only got to where he is because of his education, is letting the

Hasidim take that opportunity away from so many others. I have nieces and nephews still in school, and I wish they were getting a better education. I view this all as driven by the religious leadership—the rest of the community just follow them. To me, the religious leadership want to maintain their control, and the Felder Amendment was passed to help them do that.

17. When I learned of the Felder Amendment, I was disappointed. I have educated myself about the state requirements for schools, and am familiar with YAFFED's work, which I support. I hope that no child has to overcome the obstacles I did. But the Felder Amendment, if it stands, will mean that so many current and future yeshiva students will face the same hardships I did.

18. As a yeshiva graduate and someone still familiar with the ultra-Orthodox Jewish community, it is clear to me that the Felder Amendment is meant to endorse those sects' decisions not to provide their children a secular education. I read in the papers about how it was passed as essentially a backroom deal between the Governor and leaders of the community. And I know that yeshivas are basically the only schools to which it will apply. I know that through YAFFED's work, the government is aware of the deficient education that children in yeshivas are receiving. Its choice to pass the Felder Amendment anyway amounts to a statement from the State that these schools' decision, based in religion, is acceptable, despite the devastating consequences it has. Nor can I see any secular purpose behind the Felder Amendment—it will do nothing but mean that thousands more children receive nothing but a religious education, and are unable to make their way in the world.

19. There is no reason why children cannot get an education that prepares them to live their own lives, while still receiving a religious education that honors their heritage and their way of life. Every other religion in New York state is able to do so, perhaps because they do not have

the political power to hijack the legislative process and carve out their own system. I have no animus or hostility to the Hasidic community, and still strongly identify as Jewish today. I just don't want to see any more children go through the same things I did.

20. Because we have similar backgrounds, I'm friends with Naftuli Moster, who is involved with YAFFED. I believe in YAFFED's mission and share their goals, so I try to help out by showing up at press conferences and telling my story. I also sometimes participate in their social media campaigns, and try to spread the message.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: August 24, 2018
Brooklyn, New York

Pesach Eisen
Pesach Eisen